

Kentucky Gazette.

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NEW SERIES, No. 6. Vol. 3.

LEXINGTON, (KY.) FRIDAY EVENING, FEBRUARY 10, 1826.

WHOLE VOLUME, XL.

TERMS OF THE KENTUCKY GAZETTE FOR 1826.

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KENTUCKY LEGISLATURE.

REPORT.

Of the committee of Courts of Justice, concerning the U. S. BANK.

In the House of Representatives, on the 19th of Dec. Mr. Breckinridge submitted the following report, which was read and laid on the table.

The committee for courts of justice, to whom was referred so much of the message of the Governor as relates to the Bank of the United States, submit the following report:

In regard to the constitutionality of the law establishing the Bank, the committee do not feel themselves called on to express an opinion, nor to refer to the high authorities which have sanctioned it, during almost the whole period of our national existence. Neither do they deem it necessary to detail the opposition it has encountered. The subject does not fall properly within their present duties.

So far as they are able to understand the charges of the Governor, they amount substantially to these:—1st. That the Bank of the United States has, through its branches located in this state, and its friends in and out of it, carried on a systematic attack, for a series of years, against the sovereignty and rights of this Commonwealth. 2d. That the said Bank and its friends have succeeded in controlling the decisions of our appellate court and the supreme court of the nation. 3d. That the branches of that Bank located in this state, have purchased up the real estate of our citizens, and filled it with tenants; and that its wealth is exempt from taxation by this state. 4th. That they influence many of our elections, by voting through their numerous officers, tenants and dependants.

In regard to the first of these charges, he has, in his message communicated on the 14th inst. endorsed "Message 2," which has also been referred to this committee, exceedingly narrowed its limits. The charge is couched in the broadest and most unguarded terms. The specifications are about these: "That our Court of Appeals has acknowledged itself bound by the decision of the supreme court of the nation, as to the constitutionality of the act of our General Assembly taxing the Bank of the United States in its corporate rights; that in 1820, attacks were made by counsel in several cases in the United States Circuit Court for the Kentucky District, on our replevin system, which were afterwards successfully renewed against the two years' replevy law, in the cases of *Lapsley vs. Brashear* and *Blair vs. Williams*, in our state courts, and the case of *Wayman and Clark vs. Southard and Starr*, in the Federal court; that in the case of the Bank of the United States vs. Halstead &c. the constitutionality of our valuation law was attacked. It is also stated, that in the case of the Bank vs. January, *Henry Clay* called in question our statute abolishing imprisonment for debt. No further notice is apparently taken of this case, than what was necessary to assail that illustrious citizen, and hold him up to the derision of the state, as the friend of the Bank, and its pensioned agent in the destruction of our free institutions.

Touching the last specification, we admit, as stated, that our appellate court decided, in the case of the Commonwealth vs. Morrison, that the law establishing the Bank was unconstitutional; that our act of assembly taxing the bank was unconstitutional; but that the supreme court of the nation having settled the case otherwise, that decision was binding on our state court. In this last point, which is the one immediately at issue, the committee are clearly of opinion that our Court of Appeals decided correctly. In article 3, section 2, of the Federal constitution, it is provided, that "the judicial power shall extend to all cases arising under the constitution, the laws of the United States" &c. In the act of Congress passed in 1789, called the Judiciary Act, section 25, it is provided, among other cases specified that a final judgment or decree of the highest court of a state, where drawn in question the validity of a statute of the United States, and decided against its validity, may be re-examined and reversed or affirmed by the Supreme Court of the United States. This was a case precisely embraced by both of the above provisions, and seems to have been so manifestly held by the whole bench, including Mr. Justice Rowan. Our supreme court was as to this case, an inferior court; and unless we are prepared to see every court in the land, both State and National, erect itself into a petty independent sovereignty, we must admit the right of the court in the last resort, to control the decisions and acts of all those subordinate to it, in all cases which come lawfully before it. Such is the doctrine of reason and all our constitutions; any other is subversive of all propriety and order, and must end in the destruction of our government. The Federal government is as essentially the government of the people of Kentucky, as their more immediate local authorities. They are not less interested in the existence of the one than the other. It becomes, therefore a subject of the most earnest and solemn inquiry, how far it should be a matter for Executive congratulation, that those whom he considers our highest judicial functionaries, are prepared and pledged to resist the lawless subordination of our national justice.

So far as attacks may have been made on our retrospective replevy and valuation laws, whether by the Bank of the United States, or by its friends

or enemies, if they have been made in a proper manner, or before the proper tribunals, it was a right guaranteed to every individual in the nation, and every corporation to which our courts are open. It is a right indestructible and inherent in man, and any authority which attempts to control it, is naked despotism. Yet the Executive of this Commonwealth, after officially communicating to the General Assembly that the Bank of the United States has systematically waged war, for a series of years, on our legislative sovereignty, responds, in answer to a call for his superior information, that our citizens have exercised this sacred right; that our appellate court has refused to disobey the laws and constitution of the Republic, and that a system which is the opprobrium of the age, has been called in question in the courts of the country! This is sporting with facts and with sense—with this house and the country.

The second charge has necessarily been embraced, to some extent in our observations on the first. It would be sufficient, perhaps, to say, that there is no solid evidence adduced by his excellency, or known to us, which would go to show that the Federal or State courts have been influenced in any decision they have given, by any other considerations than the facts and merits of the particular case, and the law arising therefrom. When however, we recur to the names of counsel, exhibited in the communication of his Excellency as maintaining the interests of the Bank and controlling the decisions of the courts adverse to the dignity and rights of this Commonwealth, we cannot avoid a little incredulity. When the late *Martin D. Hardin* is mentioned as a man who was likely to engage, and actually enlisted against the constitutional liberty of his country, and leagued with *Henry Clay*, against the dignity and real interests of the state, we feel a disposition to smile, which is checked only by the reflection, that the grave of a virtuous man is too sacred to be disturbed by the chancellings of party rancor. We will here barely remark, that we do not perceive the cogency of that logic which shows that every one who may be interested in the decision of a point of law, whether he be party to the proceedings or not, shall be responsible for every thing done therein. How the fact that our Court of Appeals has decided the two years' replevy law to be unconstitutional, in a case between two individuals, goes to prove that John Sergeant and Langdon Chaves, or even the branches of the Bank of the United States, have corrupted our Judiciary, we are at a loss to imagine. If however, it be a fact, it is of a nature more melancholy than his Excellency seems to have supposed; for in this corruption almost every man out of Kentucky, and a considerable majority of those within our State, are believed at this moment to concur.

Notwithstanding the startling array of names and authorities adduced to show the extent and venerableness of the principle of retrospective replevy laws, which we think may be aptly denominated the divine right of governments to run their people, we are yet incredulous as to its value and legitimacy. So far as we have been enabled to ascertain, from a rapid examination it will be found that the supreme courts of most if not all the States, have decided on the power of the State Legislatures to extend the time of the performance of contracts, beyond the provisions of the instruments themselves, and render that extension retroactive in its operation have settled the question as our court did. Among this number, are courts of Vermont, North Carolina, Tennessee, Missouri, Illinois, Mississippi, and Ohio. Indeed some thing very like opposition to the exercise of this munus power, is found in our own annals, at a period earlier than the Governor has thought fit to designate. A repeal of the objections of Governor Scott to the occupying claimant law of 1811, will show this fact to his Excellency. We allude of course, to that part of those objections which relate to the nature and obligation of private contracts. Similar doctrines are believed to have been advanced by Mr. Rowan, in opposition to the twelve months' replevy law of 1814; and by Governor Slaughter, in his objections to the sixty days' stop law of 1819. But to go still higher up, and to take an authority triumpantly but madly cited, by the Governor himself there is a letter recently printed, dated in 1786, in which a very striking view of this subject, is taken, and the principles here maintained, well supported by the late *John Breckinridge*. Indeed, so far as is known to this committee, no court in the last resort has settled this doctrine otherwise than as our own has settled it.

Your committee have no knowledge that the Bank of the United States had any agency in this matter. It does not sue in our state tribunals, and has never, in any case known to us, contested the validity of our state laws in them, if we except the case of the Commonwealth vs. Morrison, noticed above.

The influence of the Bank over the Federal courts is directly charged. The proof is in force this house, and is not of such a nature, in the opinion of the committee, as to warrant even a suspicion that the charge is true.

With a view to ascertain as minutely as possible, the state of facts connected with the third charge, letters were addressed by the acting chairman of this committee, to Messrs. Harter and Shippin, Cashiers of the Lexington and Louisville Branch Banks, and to Mr. Scott agent of the Bank in the management of its real estate, requesting the attendance before the committee. Copies are annexed, marked A and B. Mr. Shippin and Mr. Scott attended, and in addition to statements made on oath, filed with the chairman the annexed documents marked C and D. Document C contains a list of all the real property now held at the Louisville office, which was received on account of the several debts due from the amounts of the several debts on which the various portions of this property were purchased;

the manner of acquiring title; the amount at which it was actually received, and the names of the present officers and tenants of that branch.—Document D, contains a list of all the property acquired at the Lexington office; the prices at which it was received; the number of the officers, and the names of the present tenants of that branch. From that marked C, it appears that the amount of debt on which real estate has been purchased at the Louisville office, is over \$193,000, that the amount paid off by the acceptance of property to discharge that sum, was about \$132,000. That office, it seems is also in possession of 2000 acres of land lying near Louisville, in addition to the amount above specified, to secure a debt of about \$22,000. The amount of property taken in discharge of debts at the Lexington office, is something over \$270,000. The amount taken at the two offices jointly, is about \$463,000. The whole estimated amount taken together, is not far from \$600,000. This is the aggregate value in par value, at which the offices became possessed of all their real estate. The estimated value on the Auditor's books, of that now listed for taxation by the Bank, is about \$18,000 in currency. We have not had an opportunity of comparing the annexed documents with the Auditor's books; but supposing them to correspond essentially, except where the documents themselves will give a clue to the nature of the difference, the great difference in the valuation is striking, and will be borne in mind in connection with subsequent explanations. It is proved to the committee, by Messrs. Scott and Shippin, that with the exception (which is noticed in the paper marked C.) of a slip of ground four feet wide, purchased as an alley for the convenience of the office at Louisville, neither of the branches located in this State has in any instance purchased any real estate or become possessed of any, which was not taken or purchased in discharge of debts previously contracted to the Bank, that it is the invariable practice of these branches, and the positive instructions of its mother board, never to become possessed of property of this description, unless it become necessary to secure debts due to the Bank; that they consequently, in all instances, refused to receive real estate, where it was believed the sum due could be collected in money. Such estate is never purchased, except to secure or secure the payment of debt.—This portion of their business is considered so far unobjectionable, that the agent of the Bank gives it as his decided opinion that if the Lexington office could dispose of the whole amount of property obtained there in discharge of debts, or purchased to secure them, for one half the sum it cost the Bank, it would be a profitable arrangement.

The Cashier of the Louisville office also states, that taking the whole amount of property owned by that office, it has been purchased at more than its fair value. Neither of these statements is meant to apply to any particular portion of the estates, but to the whole taken as an aggregate amount. This seems to your committee conclusive that the Bank of the United States has no desire to evade or abuse its chartered privileges by becoming a great landed corporation. That its power, by its charter, to purchase real estate in the manner specified above, seems not to be doubted, as it is expressly granted in the 7th section of the charter itself. That by receiving real estate in discharge of debts due from our citizens, it has aided in some degree in relieving them from the pressure of the times, is also highly probable.

About \$475,000, being more than one half the amount liquidated at the Lexington office by the purchase of real estate, was received under arrangements made at Philadelphia, with the mother board, by one connexion owing that amount to that branch in their own names as security and as bona fide credits for sums which they stated were really their debts, under the borrowed names of friends. The precise amounts are not given by the agent in consequence of the arrangement not having been finally closed.

The next largest debt appears to be that due and partly arranged, as stated above, at the Louisville office by receiving into its possession 2,000 acres of land lying near that place. This debt principal and interest, is stated at about \$83,000, and was due, as appears, by a citizen of Ohio.

The third debt in magnitude, settled in this way, is that negotiated jointly by the two offices, amounting to about \$67,000.

These three transactions amount together to about \$625,000, being considerably more than one half of the whole amount of real estate owned by the branches in this State. This enormous amount it will be remembered, was due from one family connexion and two other debtors. These facts are thus minutely detailed, to show how very small a proportion of our citizens have surrendered their estates to these institutions, and are really interested in what his Excellency seems to consider such monstrous oppression.

It is stated by the agent of the Bank, (Matthew T. Scott) and the Cashier of the Louisville branch, that so far as their knowledge extends, when applications have been made, the Bank has where executions have been levied, extended time to its debtors, upon their securing the debt to its satisfaction; that it has, after acquiring the legal title to estate, by regular process of law, given the privilege to the former owners, of negotiating sales, subject to its ratification, for their own private benefit, when the property would bring more than it had been purchased at; that in several instances, after the property was in the full possession of the Bank it has sold it for more than it cost, and instead of making it a matter of profit to the institution has credited the excess to the accounts of the individual debtors, in the same or other transactions, and has in no instance sold property for an amount exceeding the price at which it was purchased and retained the surplus; nay, that it has offered to individuals unfortunately situated, to release one half the amount of debt for which they were bound, on their securing the other half. In confirmation of these statements, your committee have been referred to many transactions and individuals. It is declared, however, that in all such transactions the Bank acts with a view to avoid the acquisition of real estate, and holds itself authorized to avail itself of the laws of the country, to secure

the payment of its debts, as fully as any private individual.

So much for the effort of the Bank to purchase up the real estate of the country. The Bank should have tenanted its property, seems most natural, and not particularly criminal. It appears from the lists of its tenantry furnished the committee, that there are not far from one hundred tenants of the Bank in this state. Of this number, 10 are females, and five negroes, and about 75 or 80 apparently free white males, qualified as voters of this Commonwealth. Of the white males, it appears that about 25 reside in Fayette County, 22 in Scott, 10 in Franklin, 10 in Jefferson, and the remainder scattered in several counties.

The statement of the Auditor, marked E annexed hereto, shows that the State tax on the real estate of the Bank, is paid up to a recent date. The agent states, that it is his duty to list and pay the taxes on this property, and that he regularly performs this duty. He states further, that in every instance where any property of the Bank is located in every town, the town tax is regularly paid.

This might perhaps seem sufficient to show that his Excellency was mistaken as to the fact that the property of the Bank is not subject to taxation, and actually taxed by this state. To put the matter at rest, we beg leave to refer to the decision of the Supreme Court of the United States, in the case of *Osborne vs. the Bank of the United States*, 4th. Wheaton, page 867, where the court expressly recognizes the right of the State to tax local property of the Bank. If, however, it should be supposed that his Excellency had reference only to the stock of the Bank, it may be answered, that while that interpretation is far too narrow for the terms made use of it is rendered disrespectful to the knowledge of the Executive, by supposing he was not aware of the existence of a law of this state, approved by himself on the 12th of January 1825, taxing the stock of this very Bank. We allude to the 5th section of an act of the last session, entitled "an act to apply the net profits of the Bank of the Commonwealth for the year 1825 in aid of the public revenue, and for other purposes." The section is as follows:

"Be it further enacted." That the several commissioners of the tax shall hereafter, in taking in the lists of taxable property, require of each individual listing his property, to state upon oath, whether he owns any stock in the Bank of the United States, and if any, what amount, which the said commissioners shall list as other property, and it shall be the duty of the several sheriffs to collect from the individual or individuals owning stock as aforesaid, twenty five cents upon each share, and which shall be accounted for by the sheriffs, as other taxes." His Excellency has been misled, both as to the laws and the facts.

Connected with this view of the subject, the fourth charge of the Governor will appear very extraordinary. The officers of the Branch Banks amount to about 24; their voting tenants, to about 75 or 80; in all, about 100—Their dependants—his Excellency has failed to show that there is one, and we will not outrage our fellow-citizens by gratuitously believing that one exists. It is in vain to attempt an explanation, by saying that the offensive and injurious accusations against the freemen of this Commonwealth were made by way of suggestion. It is idle to talk about the cruelty of exposing the names of men who have already been held up to the public execration, as it is vulgar to communicate personal insult, under the guise of facts and argument.

By admitting every officer and tenant of the Bank to be its dependent, it may well be wondered at, that one hundred men half of whom at least are not very distinguished, should not only control the elections in which seventy thousand vote, and disturb the repose of the Executive of this enlightened State, but should actually threaten the integrity of our political institutions!

It is positively asserted by both the witnesses alluded to above, that the officers of the United States' Bank located in this State, have never, to their knowledge, in any instance attempted to use their official influence to affect a political object, or in any way control the votes of the tenants; that in fact, their political opinions are unknown to the witnesses, except from accidental association, or in instances where the individual has made himself conspicuous. So far as the committee can ascertain, a majority of the tenants of the Bank are believed to have voted against what his Excellency seems to consider the anti-renters' act of corporation, viz. for his own friends and those of the new court.

This, however, is a matter of very little importance. Our objects have been to exhibit the relations between the Bank, the government and our citizens, in a just and proper point of view, to substantiate facts in the plaintiff's case and obtain such information as would enable us on a subject which is believed to be most important, having done this in such a manner as their limited time and means would allow, without other object remaining to the committee, but to urge that, that they believe they have effected, in embodying such evidence as they will shield, any the slightest portion of their fellow-citizens from charges which are as groundless as they are revolting to their honest pride of character, and which seem to have been prompted in a spirit of wanton aggression.

Inasmuch, however, as considerable dissatisfaction has existed, and does still exist, in several of the States, but more particularly in this state, because branches of the United States have been located in them, possessing powers which are thought by many, dangerous if not unconstitutional; and inasmuch as that which is next in importance to a correct administration of the general government is to give general satisfaction to the State and the people: There is,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, That our Senators in Congress be and they, and our Representatives requested, to use their best exertions to procure the constitution of the United States to be so amended as to preclude the Congress from locating or giving authority to locate any bank, or branches thereof in any State in this Union, without the ex-

press consent of the Legislature therefore previously had.

Read and further, That the Governor of this Commonwealth be respectfully requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

[The References A. and B. are merely Letters of the Chairman of the Committee requesting the attendance of Messrs. Shippin, Scott, and Harter in give information.]

Domestic and Foreign.

FLORIDA CANAL.

The legislature of Florida, in December last, passed an act, appointing commissioners to examine, and report on, the expediency of cutting a canal across the Peninsula of Florida, and thus to connect the waters of the Gulf of Mexico with those of the Atlantic. To perform this duty, three gentlemen were appointed, one of whom—Col. James Gadsden—was formerly a distinguished officer of the United States army, and having graduated at West Point, it is presumed, is well versed in the elements of civil engineering.

Preliminary to the discharge of this duty, the commissioners have forwarded a memorial to Congress, which was presented to the Senate by Mr. Hayne of South Carolina, in which they intimate a readiness to enter upon the indicated survey or examination, but deem it essential to its successful execution, that they should be aided by skilful engineers appointed by the United States.

With a view to the full attainment of the objects of the proposed canal, it is thought that it should be made sufficiently capacious to admit the passage of ships of war, as well as for the navigation of Merchant vessels. If the work be executed at all, it ought certainly to embrace both these objects. The passage around the capes of Florida, and through the Caribbean sea, independent of its circuit, is eminently perilous, on account of the dangers to navigation, which arise both from the shoals which abound along them, and the facilities afforded to the depredations of piracy. From these causes, our commerce has incurred immense loss. Along this part of the coast, vessels, richly freighted with valuable cargoes, have been, peculiarly, the victims of the elements, and of the lawless cupidity of man; here was laid the scene of a large proportion of those wrecks, and practical captures, attended with the most distressing and atrocious circumstances, which, of late years and in that quarter, have signalized our commercial annals. These liabilities to destruction, arising from either of these causes, will be in a greater measure—if not entirely—obviated by the proposed canal: the vehicles of commerce might sail through it, distant from the haunts, and accessible to the attacks, of the onslaws of the deep, while the severest gale might play and wanton in their canvases, without producing any other consequences than giving additional celerity and expedition to their movements.

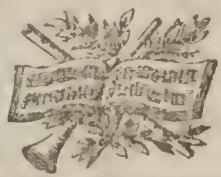
By cutting the canal large enough for the passage of ships of war, great advantages would, likewise, result. The natural channels of the Gulf of Mexico are commanded by the Havana. This would give to an enemy, in league with the authorities of that place, or in possession of it, the decided advantage, in an naval contest it would not only enable him to prevent the junction of reinforcements with our squadron in the gulf, but to sweep our commerce from its bosom. This artificial channel, running through our own territory, would, in a great measure obviate an inconvenience so serious, and which in the emergency of war, might be attended with such disastrous consequences.

The distance across the isthmus is computed to be about eighty miles; in the direction of the proposed canal, are lakes and rivers, through the channels of which, with a little clearing vessels might pass, leaving only about twenty-three miles, which will require excavation. The facilities afforded by nature, are so great, that little difficulty will be encountered in the execution of the work. The gulf of Mexico is said to be higher than the Atlantic, and sufficient water, for feeders, can be had, from the lakes and rivers, which abound along the route. The country is generally level; there are no intervening hills of considerable elevation, nor valleys or rivers of any magnitude, to pass; such being the fact, little more will be required than mere excavation and guard locks. Gov. Clinton, in a letter on this subject, gives it as his opinion, that when the survey is completed, and the line run, the immediate increase in the value of public lands, along the route, will cover the entire expenses of the canal.

In regard to the power of congress, to act upon this subject, the usual objection, that it trenches upon state rights, cannot apply. The canal is to be exclusively, within the limits of a territorial government, over which congress has peculiar jurisdiction. Besides, it is more intimately connected with commerce, and will better conduce to the celerity or military operations, than any work of the kind within the limits of the United States.

In the accomplishment of this work are involved, in a greater or less degree, the interests of the whole commercial world, with which we have any intercourse. The states of this union, generally, and the western states particularly, are vitally interested in shortening the passage between the mouth of the Mississippi and the Atlantic-seaports. This is not the least important of the advantages above detailed, which will flow from the canal. By producing greater despatch in the performance of voyages, freight will be reduced, while the diminished chances of wreck or capture will lessen insurance.

It is to be hoped that a work, so national in its character, and of which the probable advantages are so incalculably great, if it be within the constitutional powers of Congress, will be undertaken and prosecuted to successful completion.



POET'S CORNER.

HOPE.

O! why should we seek to anticipate sorrow,
By throwing the flower of the present away;
And gather the black rolling clouds of tomorrow
To darken the generous sun of today!

How after we brood over misery madly,
Till we murder the hope that was sent to inspire;
And pleasure grown old and decrepit, turn sadly
To shake his grey locks o'er the tomb of this sire.

Cherish Hope; and though life by affliction be
Shaded,
Still his ray shall shine lovely; and gild the
Scene o'er,
Like the dew-drop that glistens the leaves when
They're faded,
As bright and as clear as it glistened before.

FROM THE VIRGINIA GAZETTE.

JACKSON DINNER.

The following is the production of a young gentle
man from the North of Ireland, on visiting the
battle ground—it is not believed that it was pub-
lished in this state.

SONG FOR THE 8TH OF JANUARY.

TUNE—FAIRY'S WEDDING.

Sure won't you hear what roar and cheer
Was spread at Jackson's dinner O,
And how so gay they spent the day
Till goes grow thin and thinner O,
First tickets flew, the country through,
No lads than his were smart O,
They wait'd till both great and small,
Nor asked for rest or quarter O.

Now d'ye see it was about the merry making
Of our Christmas, that Jackson took it into his
head to prepare a splendid dinner; so he sent a
few brave fellows with invitations up and down—
round and about—north and south; who went as
fast as their legs could carry them—yet devil a
word did they say of the fatigue, but still went singing

We are the boys, &c.

Now Puckingham in splendor came,
And Gibbs so fond of dashing O,
And then Sir Keene, who was had seen,
And Lambert tauld for his leg O—
And then a score of blow or more,
Deck'd off with star and garb O,
And then the Reds, twelve thousand heads,
Who'd never ere before for quarter O.

Then come d'ye see a heap of your star and garb,
And gold trimm'd gentry, who conquered the
French in Old Spain, with a pick of their fellows
dressed off in their blood red coats, who kept scrap-
ing and bowing, while a parcel of our long tailed
shepherds mairied up without making any answer
to their palavering, but kept singing

We are the boys, &c.

The jovial set at dinner met,
The scene was style and splendor O,
The powder pyc was season'd high,
The meats were nice and tender O,
The sugar plums were Jackson's bombs,
The bowl for pinch a mortar O,
You'd scarce have quaff'd the second draught,
Before you'd cried for quarter O.

Earth, and it would have done your heart good
to have seen the grand preparations made for the
entertainment; every dish was in the highest style;
the sizes, eighteen and thirty two, served as pint
and quart decanters; and the mortar tauld from Old
George last war at Yorktown, as a gallon bottle, & at
every sup our backwoods men took they kept singing

We are the boys, &c.

Now swords they for knives did lay,
And bayonets for forks they lay,
And bottles were full to the top,
With leaven'd buns for corking O—
And when a first bottle burst,
They thought it was nought but water O;
But soon the sound was spread around,
As tood they bawl'd for quarter O.

Now Jackson was a comical fellow, and deter-
mined to do the thing in a military way, so he
clapt down swords instead of case knives, and bay-
onets instead of forks; instead of glass bottles he
had decanters of wrought iron, and loaded stoppers
instead of ground ones; and when any of the decan-
ters happened to burst, Johnny Bull thought the
contents were nothing but water, but he soon hawled
out that it was Yankee stuff of tenth draft—white
war long tailed shepherds kept working and singing

We are the boys, &c.

Now knife and fork did briskly work,
As if scull fast was carving O,
He'd see the breast, nor mind the rest,
No reason this for starving O—
Then round he'd toss the ointy sauce,
They thought it was nought but water O,
And down they threw their arms and blew
A royal blast for quarter O.

When Andrew, d'ye see, set Carroll to carving,
He made a wigly way, and a legly that way,
but devil a word did he care for either, so that he
could not give them a bit of the breast, but when he
came to pour a little sauce upon it, they squaled
out lustily for quarter, & went staggering & puking
about—while our lads did nothing but laugh & sing

We are the boys, &c.

The Yankee glass full brisk did pass,
We begger they'd stay for coffee O,
Of Jackson's, enough they say they,
And hop'd it w'd let them off O—
They cross'd the sea with mirth and glee,
but wish'd they'd stopped much shorter O,
And missed this dish of d—d mince,
Which made them yell for quarter O.

Now d'ye see, the glass was pushed about so brisk-
ly that our fellows got in fine glee and begged their
guests to wait and take a cup of Coffee with them;
but they made a thousand apologies and begged to
be excused, pushing off with all speed in the direc-
tion of Old England, while our jolly souls, milch
and all tizz'd and sing

We are the boys, &c.

To see you, &c. — you're O

Dissolution of Partnership.

Partnership of E. & R. Henry was dis-
solved on 25th day of December 1824, all those
indebted to said firm are requested to come for-
ward and make payment, as further indebtedness
cannot be given, and all those holding claims a-
gainst said firm are requested to call and receive
payment at their former stand where Richard Hen-
ry, who is authorized to settle all accounts of said
firm will strictly attend to that business.

ELIJAH HENRY,

RICHARD HENRY.

Blacksmith's Business.

Richard Henry continues to carry on the Black-
smith business at the former stand, at the upper
end of the upper market, Water Street Lexington.
He intends keeping on hand, Axes and a general
assortment of new work in his line, warranted of
the best quality.

January 7th 1826—1-tf

FORTUNE'S HOME.

COMPLETE PRIZE LIST OF THE DRAW- ING OF CLASS, NO. 2, NEW SERIES, Louisville Health Lottery.

The following were the nine numbers drawn
from the wheel.

First Day—Sept. 17, 1825.

NOS. 28, 24, 1.

Second Day—Oct. 8, 1825.

NOS. 14, 8, 20.

Third Day—Nov. 5, 1825.

NOS. 10, 29, 5.

The whole drawn under the immediate observa-
tion of the magistrates of the county, committee,
from the Louisville board of trustees, and superin-
tending committee, appointed by the board of man-
agers, whose respective certificates are filed in the
managers office, and open, at all times for the ex-
amination of the public.

The agent respectfully referring the holders of
tickets to the scheme of said class, has the honor to
announce the following, as the result, agreeably
thereto.

1000 DOLLARS, to the ticket having upon it,

the combination, 5, 10, 29.

508 DOLLARS, to the ticket having upon it,

the combination, 8, 14, 20,

500 DOLLARS, to the ticket having upon it,

the combination, 1, 24, 28,

100 DOLLARS, each, to the 21 tickets hav-

ing upon them, No's 10, 29,

35 DOLLARS, each, to the 24 tickets hav-

ing upon them No's 5, 10,

20 DOLLARS, each, to the 21 tickets hav-

ing upon them No's 8, 4; 8, 20, or 14, 20,

5 DOLLARS, each, to the 72 tickets hav-

ing upon them, No's 1, 24; 1, 28, or 24, 28,

2 DOLLARS, each, to the 184 tickets

having upon them, either of the first six drawn

numbers, to-wit; either No. 1, No. 8, No. 14

No. 20, No. 24, or No. 28.

All other Tickets are Blanks.

Fortunate holders of PRIZE TICKETS are
invited to present them and receive their money
forthwith; remembering, that if not presented be-
fore the 5th of March next, they are considered by
the scheme as donations.

The attention of the public is now solicited to the
scheme of CLASS, No. 3.

HIGHEST PRIZE 2000 DOLLARS.
Which will positively be drawn within thirty
days if the sale of Tickets will justify.

Twenty-four numbers—Four ballots to be drawn—
ALL IN A FEW MINUTES.

1 PRIZE OF \$2000 IS \$2000

1 " " 500 " 500

1 " " 500 " 500

1 " " 280 " 280

20 " " 100 " 2000

20 " " 50 " 1000

80 " " 10 " 800

760 " " 4 " 3040

884 PRIZES, - - - \$10,120

1140 BLANKS,

2024 TICKETS, AT \$5, - \$10,120

ABOUT ONE AND A FOURTH BLANKS TO A PRIZE.

The tickets in this lottery, are formed by the
ternary combination of 24 numbers, from 1 to 24,
inclusive; and to determine their fate, the twenty-
four numbers will severally be put into a wheel, on
the day of drawing, from which, FOUR ONLY
WILL BE DRAWN; and that Ticket having on
it, as a combination,

The 1st, 2d and 3d numbers drawn, will be

entitled to \$2000

The ticket having the 1st, 2d and 4th num-

bers drawn, will be entitled to 500

That having the 1st, 3d and 4th numbers drawn

will be entitled to 500

And that having the 2d 3d and 4th numbers

drawn, will be entitled to 280

Those tickets having the 1st and 2d numbers

drawn will be entitled to 100

Those having the 1st and 3d numbers drawn

will be entitled to 50

All other tickets having either of the two

numbers drawn, will be entitled to 10

And all tickets having one of the numbers

drawn will be entitled to 4

Those tickets having neither of the four num-

bers drawn will be BLANKS.

No ticket which shall have drawn a prize of a
superior denomination, can be entitled to an inferior
prize. Prizes paid the moment they are drawn,
and subject as usual, to a deduction of Twenty per
cent. Prizes not demanded within four months af-
ter the drawing, will be considered as donations.
The highest prize will be paid, in part by fifty tick-
ets in the present Lottery, which are now deposited
in the United States Bank, subject to the order of
the fortunate person who draws it. The two five
hundred dollar prizes will be paid, in part, by twenty
tickets each in the next class.

Tickets can be obtained at the scheme price,
[FIVE DOLLARS.] until the 25th inst—after
which they will advance to SIX DOLLARS—there-
fore, it is recommended, that orders be made im-
mediately; and if for five tickets or upwards, a dis-
count of five per cent will be allowed. Venders
and others, residing at a distance, may rest assured
that the same prompt attention will be given to
their respective commands for tickets, as if person-
ally application were made. Letters will be ad-
dressed [post paid] to James M Pike, Louisville or
Lexington.

It is most earnestly hoped, that the friends
to the object which this lottery is intended to pro-
mote, will not be backward in making their purchas-
es immediately; in which event, the public may
depend upon this class being drawn within the time
above specified.

49—tf

J. M. PIKE, Agent.

*Paid to Mr Youce, in the Court House imme-
diately after the Lottery was drawn.

Ohio Cheese and Flour,

50 BBL'S best OHIO FLOUR,
30 Casks Western Reserve CHEESE of
superior quality, just received and for Sale at the
Store of

G. W. ANDERSON.

January 6, 1826—1 tf

LAW NOTICE.

JAMES SHANNON, Late of Wheeling, Pa.

Will practice law in the Circuit and County Court
of Fayette, and the Circuit Courts of Bourbon
and Jessamine. All business entrusted to him will re-
ceive prompt attention. His office is on Saint Street.
Lex Dec 29, 1824—25-tf.

Lexington Brewery.

THE subscribers having rented the above estab-
lishment for a term of years, will be ready in a
few days to supply this Town and the neighboring
Towns with

Porter, Beer and Ale,

of superior quality and at reduced prices; orders
from the country directed to the BREWERY
through the Post-office will be attended to.

CASH paid for Barley on Delivery

—ALSO—

Fifty cords of good wood wanted

MONTMOLIN & DONOHOO.

October 20, 1825—12-tf.

N. B. All letters must be post paid:

—ALSO—

LEXINGTON

HOPE FOUNDRY.

Will. H. Delph

HAS commenced the above business in all its branch-
es, opposite the upper end of the Upper Market,
where he is ready to make all kinds of

Brass & Iron Castings

On the shortest notice, and on the most reasonable
terms.

CASH will be given for OLD COPPER, BRASS,
and PEWTER

Lexington, Oct 14, 1825.—41-1y

CASTINGS, FOUNDRY, AND

Grocery Store.

Joseph Bruen,

MAIN STREET.

HAS just received the following GOODS, viz:

SHOES FOR CHILDREN, pegged and not

pegged;

From Philadelphia, a complete assortment of

GARDEN SEEDS,

—ALSO—

GROCERIES.

TEA, RICE, MUSTARD, INDIGO,

COFFEE, PEPPER, STARCH,

SUGAR, ALSPICE, CHEESE,

CHOCOLATE, HONEY, SOAP,

RAISINS, CINNAMON, SALTS,

FIGS, CANDLES,

Spanish and Common CIGARS,

TOBACCO,

Spermaceet OIL for LAMPS,

London Madeira, in Bottles,

Sherry Wine,

Domestic Wine,

Cherry Brandy, two kinds,

French Brandy,

RUM,

Old Peach Brandy,

Old Whisky,

Cordials, in bottles & by the gallon.

WHOLESALE AND RETAIL,

LIQUID BLACKING,

In boxes

do

RAZOR PASTE.

N. B. For the convenience of many, he keeps

Coffee ready roasted (in the Patent Cylinder,) al-

so, best Pepper and Spice, ready ground. He hopes

that the Coffee thus burnt will prove excellent, and

far superior to any other, by those who will try it.

There will be a separate list of this Garden Seeds.

JOSEPH BRUEN.

Lexington, Nov. 28, 1825.—46 tf

—ALSO—

STEAM FOUNDRY.

THE subscriber respectfully informs the public that
he has commenced the above business in all its branch-
es, opposite the upper end of the Upper Market,
where he is ready to make all kinds of

Brass & Iron Castings

On the shortest notice, and on the most reasonable
terms.

CASH will be given for OLD COPPER, BRASS, IRON &
PEWTER.

Lexington, Jan 12, 1826—2-tf.

—ALSO—

WHEAT.

THE highest price in CASH will be given for

good Merchantable

WHEAT

At the ALLUVIAL MILLS in Lexington, where

may be always had, Superfine

FAVOR

And excellent CORN MEAL.

JOSEPH BARNETT.

Dec. 10th 1825.—50—tf

—ALSO—

RAN AWAY

FROM the subscriber on the 27th

inst a negro man named

JERDAN,

about five feet six or seven inches

high, a light mulatto, chunky well

set, a scar on his forehead, stutters

a little when confused; took with

him a black Hat of my make, a blue Casinet

Rondabout, and Grey Casinet Pantaloon, a pair

of nearly new Boots, and a pair of fine Shoes. He

will likely make for Canada, and pass for a Hatter.

I will give \$20 for the delivery of him to me in

Lexington, and pay all reasonable charges, or \$20

if refused in any Jail so that I can get him, or \$50

if taken out of the state and delivered to me or con-
fined as above.

JOHN STEELE.

Lex. Ky. 27th Jan 1826—4-tf

—ALSO—

WHEAT.

THE highest price in CASH will be given for

good Merchantable

WHEAT

At the ALLUVIAL MILLS in Lexington, where

may be always had, Superfine

FAVOR

And excellent CORN MEAL.

JOSEPH BARNETT.

Dec. 10th 1825.—50—tf

—ALSO—

WHEAT.

THE highest price in CASH will be given for

good Merchantable

WHEAT

At the ALLUVIAL MILLS in Lexington, where

may be always had, Superfine

FAVOR

And excellent CORN MEAL.

JOSEPH BARNETT.

Dec. 10th 1825.—50—tf

MARNIX VIRDEN.

REPAIRS & FORMS
for all kinds of
building, and
all kinds of
carriage work.

A COMPLETE HACK.

And strong hack horses, and is now ready to ac-
commodate such as may please to have their hack
carriage repaired, or to have a new one made, or to
have a horse or two hired, or to have a horse or two
hired, or to have a horse or two hired, or to have a
horse or two hired, or to have a horse or two hired,
or to have a horse or two hired, or to have a horse
or